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H – 218

International Court of Justice

H0218 – 0001

595

Official Transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 31 August 1946, 1000 - 1300, Lord Justice Lawrence presiding.

THE PRESIDENT : Article 24 D (j) provides that each Defendant may make a statement to the Tribunal. I therefore now call upon the Defendants whether they wish to make statements. Defendant Herman Wilhelm Goering.

DEFENDANT HERMANN WILHELM GOERING : The Prosecution in its final speeches have treated the defendants and the presentation of evidence as completely worthless. The statements made under oath; the statements made by the defendants were assumed to be absolutely true, whether they served to support the Prosecution and the documents, but at the same moment, the statements were treated as perjury when the statements refuted the Indictment. That is not a convincing statement for the proceedings and thesis of evedence.

The Prosecution uses the fact that I was the second man in the State as a proof that I should have known everything that happened. But it does not present any documentary or other convincing proof that there, under my oath, I refuted the contents of this knowledge, and therefore, it is only an assertion and an assumption when the Prosecution says, " Who should have known that if not Goering who was the successor of the Fuehrer ? ",

Repeatedly we have heard here how the most awful crimes were veiled with the most secrecy. But I condemned these terrible mass murders to the utmost, and to show that I am not lacking any misunderstanding in this connection, I wish to state emphatically the following comments once more, quite clearly, before the High Tribunal. Never did I ever decree a murder upon a single individual in any period of any time, but neither did I decree any cruelties at any time while I had the power and the knowledge to prevent them.

H0218 - 0002

H0218 - 0003

The new statements presented by Mr. Dodd in his final statement that I had ordered Heydrich to kill the Jews, that lacks every proof and that statement is not true. There is not a single order signed by me or signed in my behalf that enemy fliers should be shot or should be turned over to the SD. And, not a single case has been established where units of my Air-force have carried out things like that.

The Prosecution has in part submitted documents repeatedly which contain alleged statements, and written down by third and fourth parties without my having seen these statements, in order to correct erroneous statements contained therein and to preclude misunderstanding.

H0218 - 0004

How easy it is, when third pa[illegible] s[illegible]lown reports, that the sens[illegible] may be distorted. This fact may be proved also by the stenographic records taken in these proceedings which, i[illegible]any cases, need correction [illegible] they are checked.

The prosecution quotes a period of 25 years and quotes sin[illegible] statements which were made under completely different circumstances and without any conclusions arising at the time. These statements were made, and now they are used to prove intent and guilt. Sometimes statements can easily be made because of the commitment of the moment and because of the atmosphere that obtains. There is hardly one leading personality on the other side of whom we could not say the same in the course of a quarter of a century, about whom something similar was not set down in word or in writing.

Out of all the happenings of those 25 years, conferences, speeches, laws and decisions, the prosecution selects the consequences and makes a connection according to which everything had been intended and wished that way from the beginning. This is a statement or an opinion which is erroneous and which is entirely devoid of logic, an opinion which will be rectified some day by history, after the proceedings here will arrive at the unerroneousness of this assertion.

Mr. Jackson in his final speech referred to the fact that the signatory states are still in a state of war with Germany and, because of unconditional surrender, a state of truce is obtaining now.

However, international law is uniform. The same has to apply for both sides. Therefore, if everything which is happening in Germany because of the occupying powers -- that is, if everything is admissible under international law, then before that time, as far as France, Holland, Belgium, Norway, Yugoslavia and Greece are concerned, Germany found herself in the same position. If today the Geneva Convention, so far as the Germans are concerned, does not have any validity any longer, if today in all parts of Germany industry is being dismantled and other great assets in all sectors can be brought to the other states, if today the monies of millions of Germans are being confiscated and other serious interventions in freedom and [illegible] place, then measures like that taken by Germany in the countries mentioned above

H0218-0005

cannot have been criminal on the part of Germany as far as other countries are concerned.

Mr. Jackson stated further that you cannot accuse and punish a state but rather, that you have to hold the leaders responsible. One seems to forget that Germany was a sovereign state, that Germany had a sovereign right, and that her legislation for the German people was not subject to the jurisdiction of foreign countries. No state ever, through a notification, called the attention of the Reich in time to the fact that the activity towards National Socialism would be made subject to punishment and persecution. To the contrary, if now individual persons, first of all -- we, the fuehrers -- are being called to account and are to be sentenced, very well. But, at the same time, you cannot punish the German people as well. The German people confided their trust in the Fuehrer and, in his authoritarian government, had no influence on happenings. Without knowledge of the grave crimes which we have learned of today, the people, loyal, ready to sacrifice, courageously endured the struggle for existence, the struggle to the death.

The German people are free of guilt.

I did not want a war, nor did I bring it about. I have done everything to prevent it through negotiations. After it had broken out, I did everything to assure victory. Since the three greatest powers on earth, together with other nations, fought against us, finally we were conquered by tremendous enemy superiority.

I am standing back of the things that I have done, but I condemn most emphatically and reject most emphatically that my actions were dictated by the will to subjugate foreign peoples through wars, to murder them, to rob them, or to enslave them, or to commit cruelties or crimes.

The only motive which guided me was my ardent love for my people, its fortunes, its freedom, and its life. And for this I call on the Almighty and my German people as a witness.

H0218-0006

THE PRESIDENT: I call on the defendant Rudolf Hess.

DEFENDANT RUDOLF HESS: First of all, I should like to make a request to the High Tribunal that I may remain seated because of my state of health.

THE PRESIDENT: Certainly.

DEFENDANT RUDOLF HESS: Some of my comrades here can confirm the fact that at the beginning of the proceedings I predicted the following:

First of all, that witnesses would appear who, under oath, would make untrue statements and, at the same time, these witnesses could create an absolutely reliable impression and could enjoy the best possible reputation.

Point 2: It was to be reckoned with that the Court would receive affidavits containing untrue statements.

Point 3: The defendants would, with a few German witnesses, hear of astonishing facts.

Point 4: Some of the defendants would act rather strangely: They would make shameless utterances about the Fuehrer; they would incriminate their own people; they would incriminate each other wrongly, in part, and perhaps they would even incriminate themselves, and also wrongly.

All of these predictions have come true. As far as the witnesses and affidavits are concerned, in dozens of cases the defendants, under unequivocal oath, were confronted with statements made under oath.

I should only like to mention the name Messersmith who, for instance, knew the Great Admiral at Berlin and allegedly claims to have talked with him in Berlin when the Admiral was in the Indian Ocean or in the Pacific Ocean, to my knowledge.

These prdictions of mine were not only made here at the beginning of these proceedings, but rather months before the beginning of these proceedings in England. And, among other things, I made these predictions to the physician who was with me, Dr. Jones, and at the same time I set these predictions down in writing.

I should like to base my predictions at some happenings in countries outside of Germany. In this connection I should like to emphasize right here and now, that, if I mention these incidents I am convinced from the beginning that the governments involved knew nothing whatsoever of these happenings. Therefore, I

H0218 - 0007

do not wish to accuse these governments in any way.

In the years 1936 to 1938, in one of these countries, political proceedings or trials were taking place. These were charged in such a way that the defendants were accusing each other in an astonishing way. In part they cited great numbers of crimes which they had committed or which they claimed to have committed. At the end, when death sentences were passed against them, they clapped their approval.

This happened quite to the astonishment of the world.

Some foreign reporters, press people, reported that one gained the impression that these defendants, through a means unknown up until that time, had been transported into an abnormal state of mind, and that was the reason for their behavious, the reason they acted the way they did.

H0218 - 0008

(Hess)

These incidents were recalled to my mind through a certain happening in England. It wasn't possible for me there to receive the reports on the proceedings at that time just the way I had not had them here, but here the various numbers of the newspapers "Voelkischer Beobachter" were at my disposal. When I perused these number, I got to the date of the 8th of March, there was a passage I found -- here in a report from Paris, under the date of the 7th of March, 1938, it reads as follows: A large Paris newspaper "Le Jour" made revelations about themeans which obviously were viewed in these trials. This is a rather mysterious means. I quote literally: this is the report:

> "This means affords the possibility that the victims are permitted to act and to speak according to the orders given them"

and I emphasize and should like to refer to the fact that in this report of "Le Jour" it does not only say that they can be made to speak according to orders given them but that they can be made to act according to the orders given them. The latter point is of tremendous importance in connection with the actions which had not been explained, of the personnel of the German concentration camps, including the pysicians and scientists who carried through these atrocious experiments on the inmates, incidents which normal human beings, especially physicians and scientists, could not possibly carry out. But it is of equally great significance as well, when we look at the actions of those people who, without doubt, gave the orders and directions for these atrocities in the concentration camps and who gave the order to shoot prisoners of war, and lynch-mob justice and others all the way up to the Fuehrer himself.

I should like to recall your attention to the fact that the witness Fieldmarshal Milch testified here that he had the impression that the Fuehrer during the last years was not quite normal mentally and a series of my comrades here quite independently of each other and without having any knowledge of the testimony which I am giving now, my comrades have told me that the facial expressions and the expression of the eyes of the Fuehrer in the last years contained something cruel and even had a tendency towards

H0218-0009

madness and I can callthe comrades involved by name.

I said before that a certain incident in England caused me to think of the reports of the earlier trials. My motive was that my surroundings during my internment acted towards me in an inexplicable way, in a way which would lead me to conclude that these people somehow were acting in a state of mind which was not normal. At the same time, these people of my surroundings, the people that surrounded me were exhhanged from time to time, some of them who had been exchanged, and new people who came in, some of them had strange eyes. They were glassy eyes and they had a dreamy cast. The symptoms, however, lasted but a few days and then they created a completely normal impression. They could not be differentiated from completely normal human beings. Not only I noted these strange eyes but the doctor who attended me at the time, Dr. Jones--Johnston, a British military physician, a Scotsman. In the Spring of 1942 I had a visitor, a visitor who quite obviously wanted to be nice to me and acted in a strange way towards me. This visitor had these strange eyes. Afterwards, Dr. Johnston asked me just what my opinion was of this visitor. He told me--rather, I told him that I had had the impression that for some reason or other he was not quite normal mentally and Dr. Johnston, not quite the way I expected, protested but agreedwith me and asked me whether these strange eyes had not come to my attention, these eyes that had adreamy cast. Dr. Johnston did not suspect that he, himself, when he visited me, had the same eyes.

The essential point, however, is, that in one of the reports which might still be found in the press archives, these are the trials which took place in Moscow; in these reports, it said thatthe defendants had strange eyes but they had glassy and dreamy eyes. I have already stated that I am convinced that the government involved know nothing of these happenings; therefore, it would not be in the interest of the British Government, in my statements about that which I experienced in my internment, the outside world would be excluded; for in this way the impression would arise as if, in fact, something was to be concealed or in fact the British Government had been involved or had her fingers in the pie. On the contrary, I am convinced tht the Government of Churchill, as well as the present government, gave directions that I was to be treated fairly and according to the rules of

H0218 - 0010

the Geneva Convention. I fully realize that everything that I should like to state, dealing with the treatment which I received, on first glance will be incredible but to my good luck, at an earlier period of time, prison guards treated the inmates which, first of all, at first glance, seemed quite incredible when the first rumors of this treatment reached the world. These rumors were to the effect that quite deliberately, prisoners had been permitted to starve to death, that the sparse food which they had been given, among other things, had been mixed with ground glass; that the physicians who attended the prisoners who had taken ill as a result of this, that the prisoners had received hrrmful medicants and harmful medicines and in tht way the number of victims was increased that way. For a fact, all of these rumors afterwards came out to be true. It is an historical fact that a monument was erected for 26,000 or so poor women and children who, in Br itish concentration camps, who died in British concentration camps, who in the most part died of hunger. Many Englishmen, among other Lloyd George, at that time objected to these happenings in British concentration camps and protested most emphatically -- and an English eye-witness, Miss Emily Hopfords objected; however, at that time, the world stood before the riddle which could not be explained, for the same riddle which the world is confronted with tbday, relating to thehmppenings in German concentration camps. At that time, the British people stood before a riddle which could not be solved and the same riddle which confronts the German people today in connection with the happenings in German concentration camps, even the British Government itself, at that time, as far as the incidents in the South African concentration camps are concerned, the British Government found herself confronted with the riddle. The same enigma which faces today the members of the British Government and the other defendants in this trial and the other trials, as far as the incidents in German concentrationcamps were concerned.

Of course, it would be of the utmost importance that that which I had to say about the incident, during my own arrest and incarceration in England, that I should like to make these statements under oath; however, it was quite impossible for me to bring my defense counsel to the point where he

H0218 - 0011

would declare himself willing to put these questions to me and in the same way, it was impossible for me to set out another defense counsel to put these questions to me, but it is of the utmost significance that that which I am saying has been said under oath and under oath I should like to state that now I swear by God the Almighty and Omniscient, that I am saying the pure truth, that I shall leave out nothing and add nothing. I should like to ask the High Tribunal therefore, to consider everything which I will say from now on as being under my oath and I should like to interpolate regarding my oath that I am not a church person. I had no inner-relationship to the churches, but I am a deeply religious person. I am convinced that my belief in God is stronger than that of most other peoples and there I ask the High Tribunal to evaluate these things which I am stating under oath and calling up God as my witness.

H0218 - 0012

In the spring of 1942 --

THE PRESIDENT: I must draw the attention of the defendant Hess to the fact that he has already spoken for twenty minutes, and the Tribunal has indicated to the defendants that it cannot allow them to continue to make statements of great length at this stage of the proceedings.

We have to hear all the defendants. The Tribunal, therefore, hopes that the defendant Hess will conclude his speech.

DEFENDANT HESS: Mr. President, may I call the attention of the High Tribunal to the fact that I took into account that I am the only defendant who, up till now, has not made any statement. For those things which I should like to say now, I could have said as a witness only if corresponding questions had been put to me. But as I have already stated --

THE PRESIDENT: I do not propose to argue with the defendants. The Tribunal has made its order that the defendants shall only make short statements. The defendant Hess had a full opportunity to go into the witness box and give his evidence upon oath. He chose not to do so. He is now making a statement, and he will be treated like the other defendants and will be confined to a short statement.

DEFENDANT HESS: Therefore, Mr. President, as far as my future statements which I had wanted to make are concerned, I shall forego making them. May I ask you to listen to but a few concluding words which are of a general nature and have nothing to do with the things that I have just stated?

Those statements which my defense counsel made in my name before the High Tribunal I let rest because of the sentence, and for history and for my people. That is the onlything which counts with me. I am not defending myself against my accusers, whom I deny the right to accuse me, and my fellow countrymen. I will not deal with accusations which concern things which are purely German matters and, therefore are of no concern to foreigners. I am not protesting against statements which are directed at attacking my honor or the honor of the German people. I consider such accusations made against me by the enemy as a sign of honor.

It was my pleasure that many years of my life were spent in working under the greatest sun which my people produced in its history of 1,000 years.

H0218 - 0013

Even if I could, I would not want to erase this period of time from my life. I am happy to know that I have done my duty to my country and my people, and my duty as a German, as a National Socialist, and as a loyal follower of my Fuehrer. I do not regret anything.

If I were once more at the beginning, I should act once more the way I did act, even if I know that at the end I should meet death on a bonfire. No matter what human beings might do, some day I shall be before the Judgment seat of the Almighty. I shall be responsible to him, and I know he will call me innocent.

THE PRESIDENT: I call upon the defendant Joachim von Ribbentrop.

H0218 - 0014

DEFENDANT von RIBBENTROP: This trial is to serve the research of historical truth. As far as the point of view of German politicas is concerned. I can say the following.

This trial will go down in history as a model example. relying upon legal formulae which up to now have not been known, to show how in all fairness, one can circumvent the most pressing problem of twenty five years of human history and of our history, the Treaty of Versailles. Was it really expedient, the, to inhibit the conflict about an agreement which even those who had insight, among the signers, counted on to bring about evil? The wisest time already predicted from which of the faults of Versailles a new world war would arise.

More than twenty years of my life I devoted to the elimination of this evil, with the result that foreign statesment who know about this today write down in their affidavits that they had not believed me. They should have written that in the interests of their countries they could not believe me. I am held responsibl for the conduct of foreign policy, a foreign policy which w s determined by another. I know only this much of it, that it never concerned itself with plans of a world domination, but rather with the doing away with of the consequences of Versailles and with the food problems of the German people.

If I dispute the fact that this German foreign policy planned and prepared for a war of aggression, that is not an excuse on my part. This truth is proved by the strength that we showed in the course of the Second World War and how weak we were at the beginning of that war.

History will believe us when I say that we would have prepared a war of aggression much, much better even if we did not intend to carry it through. What we intended was to take note our most elementary conditions of life, in some way that England noted her own interests in that she made one-fifth of the world subordinate to her, and in the same way that the United States and Russia brought the largest continents of the world under their hegemony. The only difference between the policies of those countries as compared with us that parcels of land such as Danzig and the Corridor were demanded of us against our rights, whereas the other powers are accustomed to thinking only in terms of continents.

Before the establishment of the Charter of this Tribunal, even the signatory powers of the London Agreement must have had different opinions about international law and politics from those held by them today. When I went to Marshal

H0218-0015

Stalin in Moscow in 1939, he did not discuss with me the possibility of a peaceful settlement of the German-Polish conflict in the background of the Kellogg-Briand Pact; but rather he let me see that if in addition to half of Poland and the Baltic countries and Lithuania he did not receive the harbour of Lithuania, I might as well return back.

The conduct of war in 1939 was not considered an international crime against peace. Otherwise I could not quite explain Stalin's telgram at the end of the Polish campaign. This reads: "The friendship of Germany and the Soviet Union is based on blood which has been shed commonly, and has all prospects of being enduring and steadfast".

I should like to emphasize that even I at the time ardently wanted their friendship. Today the nuclear problem remains for Europe and Asia; Who will dominate Europe and Asia, or will the influence of Russia on the Elbe, in the Adria or at the Dardanelles behold back.

I shall state the Great Britain and the United States today face this same dilemma as Germany faced at the time when the negotiations were being carried on by me with Russia. I hope with all my heart for my country that they will be more successful in their result.

But what has been proved in this trial about the criminal character of German foreign policy? Out of more than 300 Defense documents, more than 150 have turned down without cogent reasons. But the archives of the enemy and the German were inaccessible to the Defense.

Churchill's friendly hint to me that if Germany were to be too strong it would be destroyed will be declared irrelevant in order to judge the motives of the German foreign policy. The revolution cannot be understood the more if it is to be considered from the point of view of a conspiracy.

Fate made me one of the exponents of that revolution. I mourn these awful crimes which are soiling this revolution. But I cannot measure all of them according to puritanical norms, and all the less for I have seen that even the enemy even though after total victory, neither could prevent nor wanted to prevent atrocities.

Your opinion toward the theorist concept of the conspiracy may be, but from the point of view of the critical observer it is only makeshift. Whoever stood in a decisive position in the Third Reich knows that it is an historic untruth

H0218 – 0016

and the author of the Charter of this Tribunal has proved with his inventions only what the background of his thinking was.

I might just as well assert that the signatory powers of this charter developed a conspiracy for the elimination of a brave and highly developed people. When I look back upon my actions and upon my wishes, then I can conclude only this: The only thing of which I consider myself guilty, before my people but not before this Tribunal, is that my foreign political wish remained without success.

THE PRESIDENT: I call on the defendant Wilhelm Keitel.

H0218-0017

DEFENDANT KEITEL: I acknowledge my responsibility on the witness stand within the framework of my position. The substance and significance of this position was presented in the presentation of evidence and in the final plea of my defense counsel.

It is not my intention to minimize my part in what took place. In the interest of historical truth, however, it seems advisable to correct a few errors in the final speeches of the Prosecution.

The American Chief Prosecutor said in his final speech, and I quote: "Keitel, a weak, submissive tool, turned the Wehrmacht, the instrument of aggression, over to the Party." A "turning over" of the Wehrmacht to the Party by me cannot be reconciled with my functions, either up to 4 February 1938 or after that time, a period when Hitler made himself the immediate supreme commander of the Wehrmacht, and thus ruled the Party and the Wehrmacht absolutely. I do not recall that in the course of this trial a single piece of evidence was presented which could justify this grave contention of the Prosecution.

The presentation of evidence, however, has also shown that the contention "that Keitel led the Wehrmacht in the execution of its criminal intentions" is wrong. This contention is also in contradiction to the English-American trial brief, which says expressly that I had no authority to issue orders.

Consequently, the British Chief Prosecutor is also mistaken when he speaks of me as -- and I quote -- "a field marshal who issued orders to the Wehrmacht". And when he accuses me of having said that I "had no idea what practical results were intended", -- that is the quotation -- I believe that this is something quite different from what I said on the witness stand, which was, and I quote the words I spoke on the witness stand: "But when an order was given, I acted according to my duty as I saw it, without permitting myself to be confused by the possible but not always foreseeable consequences".

Also, the contention that -- and I quote: "Keitel and Jodl cannot deny the responsibility for the operations of the Einsatzkommandos, with which their own commanders cooperated closely and cordially", that contention cannot be reconciled with the result of the taking of evidence. The OKW was eliminated from the Soviet-Russian theater of war. There were no troop

H0218 - 0018

commanders under its orders.

The French Chief Prosecutor said in his final speech: "Is it necessary to recall the terrible words of the defendant Keitel that 'human life was worth less than nothing in the occupied territories'". These terrible words are not my words. I did not think them up and did not make them the contents of any order. The consciousness that my name is connected with the transmission of this Fuehrer order weights heavily enough upon me.

At another point M. Champetier de Ribes says, and I quote: "This order was executed -- it concerned anti-Partisan activities --' on the basis of instructions from the commander of the army group, who, in his turn, acted on more general instructions of the defendant Keitel".

Here again "instructions of Keitel" are mentioned, although the French indictment itself states that I, as chief of the OKW could not give any direct orders to the branches of the Wehrmacht.

In the final speech of the Soviet-Russian Prosecutor, it says, and I quote: "Beginning with the documents on the executions of political persons, Keitel, this 'soldier', as he likes to call himself, lied shamelessly to the American Prosecution in the preliminary examination -- disregarding his oath -- by saying that this decree was in the nature of a reprisal and that political persons had been kept separate from the other prisoners of war at the request of the latter. He was exposed before the Court".

The document in question is 884-PS.

The accusation that I lied is unfounded. The Soviet-Russian Prosecution overlooked the fact that the transcript of my preliminary examination on this question was not the subject of the presentation of evidence before this Tribunal. Therefore, its use in the final speech of the prosecution should not have been allowed. I did not see the transcript of the preliminary interrogation and do not know the wording. If it is complete, it will clarify the error which arose because the document in question was not shown to me. In the examination by my defense counsel I presented the state of affairs correctly.

H0218 - 0019

In the last stage of the trial, the Prosecution attempted once more to incriminate me severely by connecting my name with an order for the preparation of bacteriological warfare. A witness, the former General Dr. Schreiber, had said in his report: "The chief of the OKW, Field Marshal Keitel, had issued the order to prepare bacteriological warfare against the Soviet Union". On the witness stand here this witness did speak of a "Fuehrer order". But this is not true either.

The introduction of the testimony of Colonel Buerker, which was approved by the Tribunal in all agreement with the Prosecution, indicates that in the fall of 1943 I, in Buerker's own words, sharply and categorically rejected the suggestion of the Army Medical Inspectorate and the Army Weapons Office to activate the bacteria experiments, saying that that was out of the question, that it was forbidden, and that is true. Colonel General Jodl as well can confirm that no order of the type alleged by the witness was ever issued, and, moreover, that Hitler prohibited bacteriological warfare, which was suggested by some authorities. Thus the assertion to the contrary of the witness Dr. Schreiber is proved to be untrue.

I claim to have told the truth in all things, even if they incriminated me; at least to have endeavored, in spite of the great extent of my field of activity, to contribute to the best of my knowledge to the clarification of the true state of affairs.

Thus, at the end of this trial, I want to present frankly the knowledge that I have today and my acknowledgement:

In the course of the trial my defense counsel presented to me two basic questions. The first was put to me months ago. It was: "In case of a victory, would you have refused a share in the success?"

I answered: "No, I should no doubt have been proud of it."

The second question was: "How would you act if you were in the same position again once more?"

My answer: "Then I would choose death rather than to let myself be drawn into the meshes of such ruinous methods."

From these two answers of mine, the High Tribunal may see my viewpoint. I believed, I erred, and I was not in a position to prevent what should have been prevented. That is my guilt.

H0218 - 0020

It is tragic to have to realize that the best I had to give as a soldier, obedience and loyalty, was exploited for intentions which could not be recognized, and that I did not see the limit which is set even for a soldier's performance of his duty. That is my fate.

From the clear recognition of the causes, the ruinous methods, and the terrible consequences of this occurrence of war, may there arise for the German People hope for a new future in the community of nations.

H0218-0021

THE PRESIDENT: I call upon the defendant Ernst Kaltenbrunner.

DEFENDANT KALTENBRUNNER: The prosecution hold me responsible for the concentration camps, for the destruction of Jewish life, for Einsatzgruppen and other things similar. All of these are neither in accord with the presentation of evidence nor with the truth. The accusers as well as the accused are exposed to the dangers of a summary proceeding and they must realize it.

Correct it is that I had to take over the RSHA, but in that point alone there is no guilt. Such offices exist in governments of other nations. But the task with which I was charged and toh activity with which I was charged in the year 1943 was almost exclusively in the reorganization of the German political and military intelligence service, not as the successor of Heydrich butrather, almost a year after his death, when the suspicion of collaboration with the enemy of Admiral Canaris over long years existed, I, according to orders and as an officer, had to accept this post. Very shortly, to the most terrific extent, I ascertained the treason of Canaris and his helpers. The Offices IV and V of the RSHA were subordinate to me only formally, but never in fact.

The chart shown here and the chain of command which was concluded from it is wrong and misleading. Himmler, who was a master of raising the SS into the smallest fragmentary groups to bring them under his immediate influence as far as it served his purpose, together with Chief of Police Mueller, committed crimes which we know today. Contrary to public opinion, I emphatically and state that the activities of Himmler and his consultants and the officers which were under him I learned of only to the smallest extent and as far as it concerned my own sphere.

In the Jewish question, I was deceived just as long as other high functionaries. Never did I approve or tolerate the biological extermination of Jewry, Anti-Semitism as found in Party and State laws was to be considered an emergency measure in time of war. The anti-Semitism of Hitler as we know it today was barbarism. I did not participate in either of these forms and I assert, as I shall show, that the prevention of the persecution of the Jews

H0218-0022

is to be traced to me because of my influence on Hitler.

The Prosecution has submitted several photographs which allegedly show my knowledge of crimes in concentration camps such as in Mauthausen. Never did I set foot in Camp Mauthausen, but only that part of the labor camps where the quarry was, where hardened criminals were employed according to the law, not political prisoners. The pictures show an administration building and nothing else. Affidavit USA 909, Pages 894 to 897 F is therefore quite factually impossible and is wrong. The picture with Hitler shows a building at a construction area of Linz, 35 kilometers away from Mauthausen.

The statement given by Dr. Morgen, the witness, seems essentially true but it needs to be supplemented as far as my person and my reactions to this are concerned. The witness in his statement was too much concerned with himself and does not say that because of my influence his office of the juridical system was transferred to Office V of the RSHA so that, as a special office, he could investigate the concentration camps to supplement the research which had been carried on. Perhaps he cannot testify as to additional happenings and incidents, contrary to Mueller, who raged as a madman as the chief of the Criminal Police Nebe did. On the same day an exact written report was sent to Hitler. On the same day I was asked to appear, and I went there. After much discussion, Hitler said that there had been an investigation against Himmler and Pohl. A special court was to be instituted, and arrest was to be the lot of those involved. Pohl was to be dismissed from his office. In front of me Hitler gave orders that Pohl should be called to him, and he gave me his plan to the effect that even today he would take all steps against any further misdeeds.

My request to be dismissed and to be sent to the front he denied, saying that I was essential, and that I could not be spared from the intelligence service. Eichmann was arrested and I was told of the decree by Himmler in October of 1944, which confirms and puts in final form that which I have just testified in its wording is the last devilish work of Hitler.

Will the Prosecution even now not see any discrepancy that office V of the RSHA discovered the crimes of office IV, and in that fact I see the proof of the fact that I never knew the true happenings, and at the moment when

H0218 - 0023

I realized what was taking place, protested in my own office.

Should I have left, or was it my duty to use all my powers to fight that barbarism? That alone is to be decided as my guilt.

The defamations raised by the Prosecution against me, the letter which seems to be so highly incriminating here, written to the Mayor of Vienna, which I do not remember to have signed -- that matter has been clarified and explained for me today.

All of the 12,000 people who at that time, together with tens of thousands of German men and women were used to fortify the region east of Vienna, together with an additional 2,000 persons in Gunskirchen in Upper Austria, were taken care of by the International Red Cross because of my intervention and were brought to freedom. During the excitement of the cross examination I could not recall that in this period of time in which the men of Office V were active in the camps, that I could not any longer believe in a threat to Jewish life. My credibility has been doubted ever since then. My credibility would have been restored if an inquiry had been sent to the International Red Cross at Geneva.

If the question is put to me, why did you remain even after you knew what was taking place and that your superiors were committing crimes -- to that I can answer only that I could not set myself up to be their judge, that not even this Tribunal here will be in a position to ask for expiation of these crimes.

In the last days the Prosecution has accused me of my participation in the murder of a French General. I heard of the murder of the German General Bredowski and the order given by Hitler to investigate the question of reprisal. I only heard of the murder here for the first time a few days ago. Panzinger was the chief of the Reichs Criminal office and was subordinate to no one except Himmler, who was the Chief of the Prisoner of War System and of the Replacement Army. He was not, as the Prosecution asserts, an official of the Secret State Police.

As far as the teletype message of the 30th of December, 1944, is concerned, with the signature in my name, in which the carrying out of the plan

H0218 - 0024

is directed to and made known to Himmler at his headquarters, I should like to say that from the 23d of December until the 3d of January I was in Austria with my family. This teletype message was not seen by me, and I could not have seen it, nor could I have signed it.

In November, 1944, exclusively it was my orders to check the report of the Reichs Press Chief on the murder of the French General. The results were sent to the headquarters.

I regretted the fact that Hitler, in a situation as I found it when I assumed office in 1943, was not in a better relationship to the churches, which are a factor in an order and which cannot be done away with. I tried to do everything possible. The presentation of evidence has seen this, and the Prosecution did not draw any consequences.

I know only that I put my powers at the disposal of the German people as a German soldier. I could only put myself at the service of the defense of those factors which had brought Germany to the abyss, and after the collapse of the Reich I still did it.

If in my work I made mistakes, if orders which are accused of being cardinal orders were given out before my time of office, then I am in a fate which is stronger than myself, but which is carrying me along with it. I am accused here because Himmler and other elements which were completely contrary to me needed deputies. Whether my story will be accepted or not, I should like to ask you that the fate and the honor of hundreds of thousands of the living and dead of the General SS, of the Waffen SS, and of the officialdom who, up until the very last, fought bravely, fought for their rights -- that you do not connect them in any way with your just curse towards Himmler. Just as I, they believed that they were acting under the law.

H0218 - 0025

THE PRESIDENT: I call on the Defendant Alfred Rosenberg.

DEFENDANT ALFRED ROSENBERG: The Prosecutors, going beyond a repetition of the old accusations, have raised new ones in the strongest manner. They now claim that we all attended secret conferences in order to plan for an aggressive war. Further, we are supposed to have ordered the alleged murder of 12,000,000 people. All these accusations have been collectively described as Genocide -- the Murder of peoples. I want to declare the following in that connection.

My conscience is completely free from such guilt, beginning from an assistance in the murder of peoples. Instead of working for the destruction of the culture and national sentiments of the people of Europe, I represented the furthering of their physical and moral living conditions; and instead of destroying their personal safety and human dignity, I have proven that with all my might I stood up against every policy of forcible measures and that I demanded with severity a just behavior on the part of the German officials and a humane treatment of Eastern workers. Instead of carrying on a policy of "child slavery", I saw to it that juveniles coming from territories endangered by combat were protected and took special care of them. Instead of exterminating religion, I reinstated the liberty of the churches in the Eastern territories by a decree of tolerance.

In Germany, representing my ideological convictions, I demanded freedom of conscience, granted it to every enemy, and never ordered a persecution of religion.

The thought of a physical extermination of Slavs and Jews, that is to say, the actual murder of peoples, has never entered my mind and I must certainly not advocate it in any way. It was my opinion that the existing Jewish question had to be solved by the creation of a minority right, emigration, or by settling the Jews in a national territory by a process lasting a decade. The white paper of the British Government of 24 July 1946 shows how a historical development can cause measures which were never previously planned.

The practice of the German State Leadership in the war as proven here during the trial, completely differed with my conviction. Adolf Hitler,

H0218 - 0026

in an increasing measure, drew persons to himself who were not my comrades, but my opponents. I must say, with reference to their harmful activities, this is not the execution of National Socialism for which millions of believing men and women have fought. It was its shameful misuse, it was the degeneration which I also deeply condemned.

The thought that a crime of Genocide has to be outlawed by International agreement and will be the subject of severe penalties is something which I sincerely welcome, though under the natural prerequisites, Genocide neither at present nor in the future may be permitted against the German people in any way.

Among other matters, the Soviet Prosecutor stated that the entire "so-called ideological activity" had been a "preparation for crime". In that connection I wish to say that National Socialism represented the thought of an overcoming of the class struggle which was disintegrating the people, and the unity of all classes in a large community of peoples. Through the Labor Service, for instance, it reinstates the honor of manual labor on the mother earth, and directs the eyes of all Germans to the necessity of a strong peasantry. By the Winter Aid Work it created a comradeship of the entire nation working for all the comrades in need, irrespective of their former Party membership. It built homes for mothers; youth hostels, and community clubs in the factories; and it acquainted millions with the yet unknown treasures of art.

And all that, I too served.

Never in my love of a free and strong Reich did I forget the duty towards honorable Europe. As early as 1932 I applied to Rome for its maintenance and peaceful development, and I fought as long as I could for the ideas of the inner winnings of the peoples of Eastern Europe when becoming Eastern Minister in 1941. Therefore, in this hour of need, I cannot deviate from the idea of my life, from the ideal of a socially peaceful Germany and a Europe conscious of its value, and I will remain faithful to them.

The honest service for this ideology considering all human shortcomings was not a conspiracy; my actions were never a crime. I understood my struggle to be, as it was understood by many thousands of comrades, the

H0218 – 0027

struggle for the most noble idea for which it was fought for over 100 years and for which the flag was raised.

I ask you to recognize this as the truth.

In that case no persecution of a conviction would arise from this trial; then, in my conviction, a first step would be taken for a new mutual understanding of the peoples, without prejudice, without hostile sentiments, and without hatred.

H0218 - 0028

THE PRESIDENT: I call upon the Defendant Hans Frank.

DEFENDANT HANS FRANK: May it please the Tribunal:

Adolf Hitler, the name predominant in this Trial, has not made, to all the German people in the world, his final statement. He in the deepest distress of his nation, did not find a comforting word. He became rigid, and he did not take care of his position as a Fuehrer, but he disappeared into the dark through his suicide. Maybe it was stubbornness; maybe it was despair; or stubbornness against God and men. Perhaps he thought that he himself must perish, then the German people too may fall to the abyss. Who will ever know?

We -- and if I now speak in the term of we, then I mean myself and those National Socialists who will agree with me in this conviction, and not those fellow-defendants on whose behalf I am not entitled to speak -- we must surrender the German nation to its State without a word and in the same way. We merely want to say now, you will have to see to it how you can deal with this collapse with which we leave you. Even now, even today, and perhaps like never before, we have tremendous spiritual responsibility.

H0218-0029

At the beginning of this long way of ours we did not think that the turning away from God would have such disastrous deathly consequences and that, as a matter of course, we might one day be involved deeply in this guilt. At that tim we could not have known that so much faith and so much will to sacrifice on the part of the German people could have been so badly administered by us.

Thus, by turning away from God, we have come into shame and we had to perish. It was not because of technical deficiencies and unfortunate circumstances that we have lost this war, nor was it misfortune and treason. God, most of all, has passed sentence on Hitler and carried it out against him and the system which we served, far away from God as we were. Thus may our people be called back from the Road on which we and Hitler have led them.

I beg our people that they may not come to a standstill in this development, that they may not proceed in that direction, not with one single step; because Hitler's road was the way without God, the way of refusing to believe in Christ, and, in its final point, the way of political foolishness, the way of disaster, and the way of death. His walk, more and more, became the walk of a frightful adventurer without conscience, without honesty, as I know it today at the end of this trial.

We, the former bearers of power, call upon the German people to return from this road which, according to God's justice had to lead us into disaster and which will lead into disaster every one who would try to walk on it, or continue on it everywhere in this whole world.

Over the graves of the millions of dead of this frightful second world war this state trial occurred, lasting for many months, as the central, legal sequenc their spirits and ghosts drifted across this room accusingly.

I am grateful that I was given the possibility of a defense and with that the possibility of justification against the accusations raised against me.

I remember all the victims of force and horror of the dreadful events of war. Did not millions have to perish without ever being asked and ever being heard? I Have surrendered the war diary dealing with my statements and activities, and that at an hour when I lost my liberty. If I really once have been hard, then it was at that moment of the unveiling of my actions in the war and everything that I have done.

H0218 - 0030

I do not wish to leave be ind me in this world the hidden guilt undealt wit

In the witness stand I have assumed responsibility for all those things for which I must be responsible. I also recognised that degree of guilt which it mu be ,y part to assume as a fighter f dolf Hitler, his movement, and his Reic I have nothing to add to the words of my defense counsel.

There is yet one word which I have to rectify, spoken by me.

In the witness stand I mentioned a thousand years, which would not suffice to erase the guilt brought upon out people because of the actions of Adolf Hitl Not only the activities of our opponents--carefully kept away from these proceedings--with reference to our people and our soldiers, but also tremendous masses of the most awful crimes, I have only now heard, have been committed, mostly in East Prussia, Silesia, Pomerania and the Sudetenland by Russians, Poles, and Czechs against Germans, and are still being committed. They have, even today. completely balanced any possible guilt on the part of our people.

Who is to judge these crimes committed against the German people, one day?

With the certain hope that from all the horror of the time of war and all the developments even threatening today perhaps a lasting peace may yet arise i which even our nation may have its beneficial participation, I come to the end of my final statement.

God's eternal justice will be the force under which our people will flouris and to which alone I submit.

THE PRESIDENT: I call upon the defendant Wilhelm Frick.

DEFENDANT WILHELM FRICK: I have a clear conscience with reference to the accusations. My entire life was spent in the service of my people and my fatherland. To them I have sacreificed my entire strength in faithful fulfillment of my duty.

I am convinced that not patriotic Americans or patriotic member of another country would act differently were his country in the same position, because any otheraction would have been a breach of my oath of allegiance, and high treason.

Regarding the fulfillment of my legal and moral duties, I believe that I deserve no more penalty than the tens of thousands of faithful German civil servants and employees of official state agencies who here today, as years and years ago, are detained in camps merely because they fulfilled their duties. To them I owe memory and faith which I, as a former, long-standing Minister of the Reich, consider it a particular honor to state.

H0218 - 0031

THE PRESIDENT: I call upon the defendant Julius Streicher.

DEFENDANT JULIUS STREICHER: Gentlemen of the Tribunal. At the beginning of this trial I was asked by the President whether I pleaded guilty in the sense of the Indictment. I answered that question in the negative.

The accomplished proceedings and the taking of evidence have confirmed the correctness of my statement given at that time.

It has been established:

1. Mass killings exclusively and without influence were carried through by order of the head of the State, Adolf Hitler.

2. The execution of the mass killings was carried through without the knowledge of the German people and under complete secrecy by the Reichsfuehrer SS, Heinrich Himmler.

The Prosecution asserted that the mass killings would not have been possible without Streicher and his Stuermer. The Prosecution neither offered nor submitted proof for this assertion.

It is clearly established that on the occasion of the Anti-Boycott Day in the year 1933, which I was given the order to lead, and on the occasion of the demonstration of 1938 ordered by Reichsminister Dr. Goebbels, I, in my capacity as Gauleiter, neither ordered, demanded, nor participated in any violations against Jews.

It is further established that in many articles in my periodical, the Stuermer, I represented the Zionist demand for the creation of a Jewish state as the natural solution of the Jewish problem.

These facts prove that I did not wish for a solution of the Jewish problem in a forcible manner.

If I, or other authors, in some articles of my weekly paper, the Stuermer, mentioned a destruction or extermination of Jewry, then those words were sharp utterances in reply to provoking statements of Jewish authors in which the extermination of the German people was demanded. The mass killings ordered by the leader of the State, Adolf Hitler, according to his last testament,

H0218 - 0032

were to be a revenge, a reprisal which was only carried through because of the then recognizable unfavorable course of the war.

Those actions of the leader of the State against the Jews can be explained by his attitude upon the Jewish question, which thoroughly differs from mine. Hitler wanted to punish Jewry because he held them responsible for the unleashing of the war and for the bombs dropped on the German civilian population.

It is deeply regrettable that the mass killings which can be traced back to a personal decision of the leader of the State, Adolf Hitler, have led to a treatment of the German people which also must be considered as being inhumane. The executed mass killings I reject in the same way as they are being rejected by every decent German.

Gentlemen of the Tribunal.

Neither in my capacity as Gauleiter nor as political author have I committed a crime, and I therefore look towards your judgment with good conscience.

I have no request to make for myself. I only have a request for the people from whom I originate. Gentlemen of the Tribunal, fate has given you power to pronounce every judgment. Do not pronounce a judgment which would imprint the stamp of dishonesty upon the forehead of an entire nation.

H0218 - 0033

THE PRESIDENT: I call upon the defendant Walter Funk.

DEFENDANT WALTER FUNK: In the days of the greatest need of my people I joined a political movement, the same of which was the struggle for freedom, for the honor of our country, and for a true social community.

This party movement received the leadership of the State through legal channels. I served this State because of my obligation as an official and in the execution of German laws. I felt myself bound to carry out this duty and especially during the periods of danger of war and during the war itself at a time when the existence of my country was threatened in the extreme.

In time of war, however, the State is absolutely dependent on the loyalty and faith of its officials.

Here I have heard about horrible crimes in which the offices under my direction were partly involved.

But these are things which I learned here, before this Tribunal. I did not know these crimes and I could not have known them.

I have examined my conscience and my memory with the utmost horror -- I have examined my conscience and memory with the utmost care and I have told the Court everything that I knew, openly and freely, and I have concealed nothing. As far as the deposits of the SS at the Reichsbank are concerned, I only did my duty as President of the Reichsbank. According to law, the acceptance of gold and foreign currency was one of the business tasks of the Reichsbank. The fact that the confiscation of these assets was taking place through the organs of the SS subordinateto Himmler, could not make me suspicious. The entire Police system, the border protection units, and especially the search for foreign currency in the Reich and in all occupied areas, was under the jurisdiction of Himmler, and I was deceived and imposed upon by Himmler.

Until the time of this trial, I did not know and I did not suspect that among the assets brought into the Reichsbank there were mammoth piles of pearls, precious stones, jewelry and gold objects of all kinds, and horrible as it may seem to say, gold teeth. That is something I was never told. That is something I never observed. I have never seen these things.

H0218 - 0034

Never did even a single person tell me in a single word of incidents like that.

The existence of these extermination camps was unknown to me, totally unknown. I did not even know a single one of their names. Never have I entered a concentration camp, either.

I assumed that some of the gold and foreign currency, which was deposited in the Reichsbank, came from concentration camps, and I stated this fact from the beginning in all of my interrogations openly. But, according to German law, everyone had to turn these assets over to the Reichsbank.

Quite apart from that, the kind and quantity of these shipments from the SS were not made known to me. How was I to even suspect that the SS had acquired these assets, through descrating corpses?

If I had known of these horrible facts, my Reichsbank would never have accepted these assets for storage and exploitation. I would have refused even in the face of the danger that it would have cost me my head. If I had known of these crimes I would not be sitting in the defendant's dock today. Of that, you must be convinced. There the grave would be easier for me than this tormented and shameful life which I have to endure now, this life full of accusations, suspicions, and slander raised against me.

Not a single human life has been lost because of any measures decreed by me. I have always tried to help people in need, and as far as it lay within my power, to bring happiness and joy into their lives; and for that, many will be grateful to me and remain grateful.

Human life consists of error and guilt.

I myself have made many mistakes, and I, too, have been deceived in many things and I freely admit, I freely admit I have been deceived too easily and in many ways have been too unconcerned and too gullible and therein I see my guilt. But I consider myself free of any penal guilt which I am alleged to have committed through discharging my official duties. In that respect, today my conscience is as clear as on the day, ten months ago, when I entered this courtroom for the first time.

H0218 - 0035

THE PRESIDENT: I call upon the defendant Hjalmar Schacht.

DEFENDANT HJALMAR SCHACHT: My feeling of justice was deeply wounded because of the fact that the final speeches of the prosecution completely by-passed the evidence resulting from this trial. The only accusation raised against me under the Charter is the allegation that I wanted war. The overwhelming amount of proof in my case has shown, however, that I was a fanatical opponent of war, and actively and passively, through protests, sabotage, cunning and force, have tried to prevent this war.

How, then, can the prosecution assert that I was in favor of war? How, then, can the Russian Prosecutor assert that I turned from Hitler only in1943, after my first attempt at a coup d'etat had already been undertaken in the fall of 1938?

And, now, Justice Jackson, in his final speech, raised a new accusation against me which has not been mentioned in the trial at all up to the present moment. I was to have planned a release of Jews from Germany against a ransom in foreign currency. That, too, is untrue, disgusted with the Jewish pogrom of November 1938, I managed to obtain Hitler's approval to a plan which was to facilitate emigration of the Jews. I intended to transfer 1,500 million Reichsmarks from confiscated Jewish property, to the administration of an international committee, and Germany was to undertake the obligation to repay this amount to the committee in twenty yearly instalments, and that in foreign currency; which is the exact opposite of what Justice Jackson asserted here.

In December 1938, in London, I discussed this plan with Lord Bearstedt, of Samuel and Samuel, with Lord Kindersley, and with the American representative, Mr. Rublee. They were all sympathetically disposed towards this plan. Having been removed from the Reichsbank shortly thereafter, however, this matter was dropped. Had it been carried through, no single German Jew would have lost his life.

H0218 - 0036

My opposition to Hitler's policioss was known at home and abroad, and that so clearly that even in the year 1940 the Attache of the United States, Mr. Kirk, before leaving his Berlin post, sent me his regards, adding that after the war I would be considered a s an unburdened man, a matter which is reported on in detail by witness Huelse in his affidavit, which is 37-B of my document book.

Instead of that, however, the Prosecution for a whole year has branded me in the world press as a robber, murderer, and betrayer. And it is this accusation that I have to thank for standing alone at the eve of my life without means of subsistence and without a home. But the prosecution is mistaken if they believe, as was mentioned in one of their first speeches, that they can count me amongst the pitiful and broken personalities.

Certainly I erred politically, but my economical and financial policy of creation of work by the assistance of credit has wonderfully proven itself, although I have never claimed to be a politician. The figure of unemployment dropped from 7,000,000 to zero. In the year 1938 the income of the State had risen to such an extent that the repayment of the Reichsbank credits was fully safeguarded. The fact that Hitler refused this repayment, so ceremoniously documented by him, was a tremendous betrayal which I could not foresee. My political mistake was not realizing the extent of Hitler's criminal nature at an early enough time. But not with one single illegal or immoral act did I stain my hands. The terror of the Gestapo did not frighten me; for every terror must fail when conscience is at stake. Here lies this great source of power which religion gives us.

In spite of that, Justice Jackson considered it proper to accuse me of opportunism and cowardice. And this, after the end of the war, found me in the Extermination Camp at Flossenberg, where I had been imprisoned for ten months, and where only by merciful fate I escaped Hitler's order of murder. At the exist of this trial I stand with my soul deeply shaken about unspeakable suffering which I tried to prevent with all my personal effort and with all attainable means, a suffering which I could not prevent. But that is not through my guilt.

H0218 - 0037

Therefore, my head is upright and I am unshaken in the belief that the world will recover, not through the force of power, but only through the force of mind and the morality of actions.

THE PRESIDENT: I call upon the defendant Karl Doenitz.

H0218 - 0038

THIS SHOULD APPEAR AS PAGE 16764-A of the TRANSCRIPT FOR MORNING SESSION, 31 August.

DEFENDANT DOENITZ: I should like to say three things:

Firstly, you must judge the legality of the German submarine warfare, if your conscience dictates you to do so. I consider this conduct of the war to be justified, and I have acted according to my conscience. I would have to do exactly the same all over again. My subordinates, on the other hand, who have carried out my orders, have acted in the fullest confidence in me and without there being a shadow of doubt regarding the necessity and legality of these orders. In my opinion, no later judgment can deprive them of the trust in the honesty of a fight for which they voluntarily have made sacrifice after sacrifice until the last hour.

Secondly, much has been said here about a conspiracy which is alleged to have existed among the defendants. In my opinion, that assertion is a political dogma. As such it cannot be proved, but can only be believed or rejected. Considerable portions of the German people will never believe, however, that such a conspiracy could have been the cause of their disaster. Let politicians and jurists argue about it; they will only make it harder for the German people to secure for themselves the recognition from this trial of that which is decisive and important for its attitude regarding the past and the reconstruction of the future. That is the recognition th tthe Fuehrer principle as a political principle is wrong. With regard to the military leadership of all armies in this world, the Fuehrer principle has proved itself in the best possible way. On the strength of this recognition I considered this also right with regard to political leadership, particularly in the case of a nation in the hopeless position in which the German people found itself in 1932. The great successes of this new government, an entirely new feeling of happiness on the part of the entire nation, seemed to prove it right. But if, in spite of all ideals, all decency, and all devotion on the part of the masses of the German people, no other final outcome

H0218 - 0039

THIS SHOULD APPEAR AS PAGE 16764-B of the TRANSCRIPT FOR MORNING SESSION, 31 August 1946.

has been achieved through the Fuehrer principle than the misfortune of this people, then that principle as such is wrong, wrong because apparently human nature is not strong enough to utilize the powers in that principle for a better end, without their falling victims to the temptation of that power.

Thirdly, my life was devoted to a mission and with that to the service for the German people. As the last commander-in-chief of the German Navy and as the last head of the State, I consider myself responsible for everything that I have done and left undone.

THE PRESIDENT: I call upon the defendant Erich Raeder.

H0218 - 0040

THE PRESIDENT: I call upon the defendant Erich Raeder.

DEFENDANT RAEDER: This trial, at the end of the taking of evidence, has had a result beneficial for the German nation yet surprising to the Prosecution. Unshakeable testimony of witnesses has cleared the German people and with it all the persons who are in the same situation today as I am of the most serious of all accusations, that it had known of the killing of millions of Jews and other people if it had not even participated in it. The attempt of the Prosecution, who through earlier interrogations had known the truth for a long time, and who nevertheless continued its accusations in the trial brief and during cross examinations, raising the finger of the preacher of morals, this attempt, repeated again and again, to defame the entire German people has suffered collapse.

The second result of this trial, which is of general and therefore of interest for me, is the fact that it was necessary to confirm as a matter of principle the cleanliness and decent fighting habits of the German Navy on the strength of the evidence taken. The German Navy stands before this Court and before the world with a banner and a flag which is unstained.

The attempt in the plea of Shawcross to place the submarine warfare on the same level with atrocities can be refuted with the clearest conscience, because after the clear results of the evidence they can not be maintained. In particular, the accusation that the German nation had never had the intention to observe the laws of naval warfare, as Shawcross said, Pages 70, 71, has been completely deprived of its status. The same applies to the fact that it has been proved that the naval command staff and its chief has never shown the attitude of despising international law, but to the contrary, that from the first until the last moment it has made honest endeavors to conduct the modern conduct of a naval war in accordance with the principles of international law and human demands, a basis which was the same as adopted by our opponents.

I regret that the prosecution have tried again and again to defame me and the German Navy, as is proved by the submission of its second altered trial brief, which only differs from its first version in that the number and the severity of the insulting statements have been increased. This fact

H0218-0041

proves that the Prosecutors themselves felt that the factual accusations were too weak; but it is also my conviction that the British and American Prosecution have rendered a service, a bad service to their own Navies. They lower the esteem of that opponent morally and describe him as inferior against whom the Allied naval arms have conducted a serious, honest and year-long naval battle. I am convinced that the admiralties of the Allied powers understand me and that they know that they have not fought against a criminal. The only way I can explain to myself this attitude adopted by the Prosecution is by assuming that the representatives of the Prosecution, as I had to find them again and again, had at their disposal only very little judgment regarding the principles of true soldierly conduct and true soldierly leadership and that, therefore, they hardly seem suited to judge soldierly honor.

I summarize: I have done my duty as a soldier because it was my conviction that this would be the best way for me to serve the German people and the German nation for which I have lived and for which to die I am prepared at every moment. If I have become guilty in any way, then only in this way, that in spite of my purely military position I may not only have been a soldier but, up to a certain point, a politician, something however which, considering my entire career and the tradition of the German Wehrmacht, would not suit me. This, on the other hand, would have been a moral guilt before the German people and it could never at any time brand me a war criminal. This would not be a guilt before the penal courts of humanity; it would have been a guilt before God.

H0218 - 0042

THE PRESIDENT: I call upon the defendant Baldur von Schirach.

DEFENDANT VON SCHIRACH: On the 24th of May I made a statement here which I answer before God and my conscience and to which I fully stand even today at the end of the trial because it was and is in compliance with my honest innermost conviction.

The British Prosecution, in their final statement, pronounced the following sentence: "Schirach spoiled millions of German children so that they became what they really are today, the blind instruments of that policy of murder and domination which these men have carried out." If this accusation were justified I would say no word in my defense. This accusation, however, is not justified; it is untrue. Whoever in any way takes into consideration the results of the evidence in this trial and honestly appreciates it can never and under no circumstances raise the accusation against me that I, through my educational work, had spoiled the youth and poisoned their souls. The principles and aims which I set for the youth and which were accepted for the community built up by the youth with their own powers under my leadership were the following: Self-sacrificing love for the Fatherland, the overcoming of snobbery and class hatred, the planned taking care of health, training by means of walks, games and sports, cooperation in professional training, and particularly a comradely understanding of the youth of foreign countries. These principles and aims were mine since my own youth and I consider them to be the ideals of a national German education. These principles and aims were not dictated to me by the Party or the State, and if Hitler were present here today, then it would be completely irrelevant for my defense, because as the leader of youth in the Reich I do not rest upon him but upon myself.

These principles of education, however, which in all my speeches, writings and instructions have been proved a thousandfold and to which I have been faithful as the leader of German youth, are, according to my firm conviction, principles of every

H0218 - 0043

leader of youth in this world if he is conscious of his duty toward the people and youth. The activities of our youth and its moral attitude has proved me right and has proved that they have never been spoiled and were not spoiled through me either. German youth was and is industrious, spoiled through me either. German youth was and is industrious, decent, honest and full of idealism. In peace it honestly contributed toward the education and in war it did its duty bravely to the limit, its duty towards our nation and our German people.

In this hour when I can speak to the Military Tribunal of the four victorious powers for the last time, I want to testify on behalf of our German youth, and with a clear conscience, that it is innocent regarding the atrocities of the Hitler regime unveiled during this trial, that it never wanted this war, and that neither in peace nor in war it participated in any crimes. As the leader of German youth of long standing, I know the development, the inner attitude and the conduct of our young generation. Who could know it better than I? This youth always gave me the greatest pleasure. In their midst I was always happy and at all times I have been proud of them.

I know that in the years when I was the leader of German youth and in spite of the fact that their membership counted millions, youth, as a matter of principle and without exception, has remained removed from any actions of which it might have to be ashamed today. It knew nothing of the numerous cruelties which have been committed by Germans, and just as it knew of no wrongs, it has not desired any wrong. It must not be overlooked that even during the strongest embitterment of its days after a war nobody could expect to accuse the organization of German youth and its leaders of being criminal. Unselfish comradeship in a yough movement which showed the greatest love for the poorest children of the people, faith to the homeland, pleasure in outdoor life and honest understanding of the youths of foreign peoples, that was the aim of our youth and those were the contents of its education from the first to the last day of my time as Reich

H0218 – 0044

youth leader. This youth truly does not deserve the serious fate which has come upon it.

My personal fate is of no importance, but the youth is the hope of our nation. And if in this last moment I may make a request, then it is this:

Will you, as judges, help so that the distorted picture will be removed which the world may have of the German youth today and which could not stand up under historical investigation. Will you tell the world in your findings that the distorted writings of a Gregor Ziemer used by the Prosecution contain nothing but the evil slander of a man who transfers his hatred against everything German to the German youth also. Will you, as judges, help also that the youth organizations of your peoples will once again take up the work together with the German youth where, in 1939, without the guilt of the young generation, it has been interrupted.

With a grateful heart our youth has listened to the words of Lord Beveridge who farseeingly and with passion, spoke for having German youth declared free of guilt. With great joy it will grasp the hand stretched out toward it across ruins and debris.

Will you, gentlemen of the Tribunal, contribute with your judgment to create an atmosphere of joint respect for German youth, an atmosphere which is free of hatred and free of revenge.

That is my last request, made with all my heart on behalf of our German youth!

H0218 - 0045

(A recess was taken until 1400 hours)

H0218-0046

AFTERNOON SESSION

(The hearing reconvened at 1400 hours, August 31, 1946)

THE PRESIDENT: The Tribunal has today received a further application from Dr. Seidl for a further examination of the condition of the defendant Hess. As the Tribunal announced on the 20th of August, the Tribunal had received and considered the report of Captain G. M. Gilber, dated the 17th of August on the defendant Hess; and it then considered it was unnecessary to have any further report. The Tribunal remains of that opinion but will, of course, consider all the matters contained in Dr. Seidl's application including the medical reports and the statement made by the defendant Hess today.

I now call upon the defendant Sauckel.

DR. NELTE: Mr. President, I ask that the High Tribunal consider this time as suitable that the evidence which has not been introduced formally should now be submitted.

THE PRESIDENT: Very well. The interrogatories which have come to hand, you mean?

DR. NELTE: Yes, Mr. President, or affidavits which have been granted. In the concession of the 22nd of August the following were approved. I was given permission to submit two affidavits for General Keitel and Reinecke and it was said that I had the right to submit these affidavits as soon as they had been translated. These translations have in the meantime come in; and after discussing this matter and with the agreement of the Prosecution, no objections have been raised. In the session of the 22nd of August, it was expressed as an agreement expressly. I shall submit two documents, K-26 and K-27. I shall permit these documents without reading them; and I ask the High Tribunal to accept these two documents as pieces of evidence.

THE PRESIDENT: They will be considered.

DR. SERVATIUS: Mr. President, I should like to submit one more document which has been granted me. It deals with the Corps of the Political Leaders and is an affidavit posted by Sauckel, PL-69. Then, further, I have an excerpt from the book entitled "Party Statistics," which is involved in

H0218 - 0047

my figure concerning the membership which I submitted to the High Tribunal in a letter of the 17th of August. I discussed this matter with the British Prosecution; and I ask permission to have this page from this book as well submitted at this time.

DR. KUBUSCHOK: In the case of Von Papen, I have my answer to the interrogatories sent to the Dutch Ambassador Visser. If the people attempted any negotiations which were profitable in 1931, then I should like to submit the answer as Exhibit No. 107.

DR. STEINBAUER (Counsel for the defendant Seyss-Inquart): Mr. President, Under the number 115 I should like to submit the questions which were submitted, and the answers under oath of Dr. Alfred Bolle. I am submitting this in the German and English versions which have been attested to in connection with the accused, Seyss-Inquart, and his connection with the hunger blockade in September, 1944. I should like to quote but one sentence on page 3 of the record.

"In fact, at the beginning of the strike, the entire inland shipping was taken over by the military and was therefore taken out of the administration of the Reich Transportation System, and out of private hands."

Furthermore, I should like to submit the affidavit which was granted me yesterday, a deposition by Seyss-Inquart, submitted under No. 116, and I should like to ask that the entire contents be accepted as evidence.

I should like to correct but one thing. The documents 3640-PS and 3645-PS which could not be submitted to Seyss-Inquart according to the affidavit, were immediately placed at my disposal upon my return by the French Prosecution and the French delegation, for which I am very grateful, and I am ready to submit both of these documents in the original.

DR. FLAECHSNER (Counsel for the defendant Speer): Mr. President, in the spring of this year I was granted an interrogatory. I received three more answers which will be numbered 47, 48 and 49. I should like to submit them now. We are now concerned with the affidavits of the witnesses Poser, Merter, and Baumbacher.

H0218 - 0048

THE PRESIDENT: I call upon the defendant Fritz Sauckel.

DEFENDANT FRITZ SAUCKEL: Gentlemen of the Tribunal:

The atrocities revealed in this trial have shaken me in my deepest soul. In our humility and reverence, I bow before the victims and those who died - members of all nations, and before the misery and the sorrow of my own people, according to which I myself will make a statement.

I originate from living conditions of a completely different nature than those of my co-defendants. In my attitude and in my nature I remained a sailor and a worker.

After the first World War, the course of my life was determined through my own experience of the sorrows and needs of my people struggling for their existence. Inner conflict forced me into politics, but I could not agree to the Communist manifesto. I was never anti-religious or even Godless. Quite the contrary is true. I fought a hard struggle with myself before I turned to politics.

And so I finally devoted myself to social life and justice and to those whose only wealth was their labor and, at the same time, to the fate of my nation. Herein I saw the only possible connection between a Socialist attitude and a true love of country. This, my belief, determined my life and my actions.

In this way I saw nothing contrary to the laws of humanity. In leadership and in the faith of the followers I saw no arbitrary dictatorship or tyranny. The excesses of my feelings and my confidence, as well as my great veneration of Hitler might have been my mistake. I knew him only as a man representing the rights of life of the German people and saw his kindness towards workers, women, and children, and I knew him as a man who was insterested in the life of Germany.

However, the Hitler of this trial I could not recognize. Perhaps a further mistake of mine might have been my loneliness and my submersion into my world of imagination.

H0218 - 0049

I had no social contact with the occupants of high positions in the Reich; the little spare time I had belonged tomy family. I was and am proud and happy that my wife is the daughter of a worker, a man who was an remained a Social Democrat.

In this, my last word, I solemnly assure you that all foreign political events and the beginning of all war activities completely [illegible]. Under no circumstances would I have cooperated as a German worker -- and for German workers -- to help plan the madness of an aggressive war.

I only became a National Socialist because I condemned class struggle and civil war, and because I firmly believed in the peaceful way and in the understanding work of Adolf Hitler in rebuilding our country.

In my own sphere of activity I always did everything possible, because I was a worker, to prevent excesses, brutality, and wilful activities of any kind. I was sufficiently naive to carry through my manifest for the commitment of labor, and many other directives, whichdictated to all offices a correct and humane treatment of foreign workers. I never would have been able to bear the knowledge of these terrible secrets and crimes without protest, nor, with such a knowledge, would I have been able to face my people or my ten innocent children.

I had no part in any conspiracy against the peace or against humanity, nor did I tolerate murders or mistreatment. During the war I had to do my duty. The task of Plenipotentiary General forLabor Commitment was received by me in a period of grave crisis, and this was a matter of complete surprise to me. I was bound to the then-existing labor laws and to the orders of the Fuehrer, as well as to the directives of the Ministerial Council for Reich Defense. I do not know why it was just I who received this order. In my own Gau I had gained the confidence of the workers particularly, of the peasants and artisans, and already prior to 1933, that is, before Hitler took over the power, with a large majority and in free parliamentary elections I had been elected as the Chief of the County Government.

I believe that providence had gifted me with a good talent for organization and practical work, as well as with an ability for enthusiasm. That, perhaps, was the reason why I received my task. It was a heavy burden for me. The soil of Berlin was completely alien to me. Just because

H0218 - 0050

I am a worker, I never thought of making foreign human beings into slaves. My demand to deal economically with human beings does not in any event mean their inhuman exploitation, but rather their economical and decent use in work and for work.

It was never my intention to commit crimes against international law, against the laws of war, or against the laws of humanity. Not for a single moment did I doubt the legality and admissibility of my task, for I thought it completely out of the question that the German Government would break international law.

If, however, you accuse me of the fact that, in spite of that, German labor laws could not be applied in the occupied territories, then may I reply that people in high positions, Frenchmen, Belgians, Poles, and even Russians, have told me that they were supporting Germany by labor in order to protect Europe against a threatening Communist system, and in order to prevent unemployment and mass suffering during the course of the war.

Not only did I work for the fulfillment of my task with every effort, but, at the same time, I tried with all my might to remove, with all means, the crisis in the organization for the care of foreign laborers, which occurred because of the winter catastrophe during the winter of 1941 and 1942. I tried to eliminate all shortcomings and abuses immediately when I assumed office.

I also believe, as my documents prove, that we could win the foreign workers over to our German cause when giving them correct treatment as I demanded it. Perhaps in the eyes of Himmler and Goebbels I was a believer in a Utopia and quite beyond redemption. They were my opponents, but I fought for equal rights and conditions for foreign workers; I fought for this honestly, so that the same conditions would apply as they applied for the Germans. This is proven by the numerous documents of my defense counsel, and this is confirmed by all the testimony of the witnesses before this Tribunal.

No one can regret it more deeply that I if my work was incomplete. Unfortunately, that was only partly in my power, as was proven by my counsel.

H0218 - 0051

The taking of evidence has shown that many a thing has happened in the occupied territories where the organization of the civilian offices of labor commitment could exercise no influence whatsoever. However, the German offices complained to me: it was claimed that I was delivering too few workers; it was claimed that it was my fault if dangerous crises threatened in the war economy and the food situation. This heavy responsibility and this care dominated me in such a way that I had no time for other events, and I regret that fact.

So far as my decrees and directives and my officials are concerned, I accept the responsibility. I have never seen the records of the Central Planning Board before this trial; otherwise, I certainly would have corrected false or unclear passages, as, for instance, the passage with reference to the impossible figure of only two hundred thousand volunteer workers. This also applies to a number of other statements of mine which were taken down by a third party, quite wrongly and without my ever having made these statements.

Just because I am a worker, just because I served on foreign ships, I am grateful to the foreign workers who worked in Germany, for they worked well. This, perhaps, may be a proof of the fact that on the whole they were treated correctly and humanely. I myself visited them many times, for I was a working man; and because of the fact that I was a working man I spent the Christmas holidays of 1943 and 1944 amongst foreign workers in order to show my attitude towards them.

My own children worked in the factories in the midst of foreign workers, and they worked under the same working conditions. Could I, or German workers and the German people, consider that as slavery? This was a war necessity. The German people and the German workers would never have tolerated conditions comparable to slavery next to themselves.

My defense counsel, very ably and objectively, has submitted my case in complete truth. I thank him from my full heart for that. He was strict, and quite correct, in his presentation of my case. It was my wish and my conscience.

H0218 - 0052

There are clear shortcomings, and the need which arose because of the war, the horrible conditions of the war, touch my heart.

I personally am ready for any fate which providence intends for me, and I am ready to meet that fate, as my son who died during the war did.

The Gauleiters whom I made Plenipotentiaries for Labor Commitment had only one task, to mete out correct treatment and care to the Germans and to the foreign workers.

God protect my beloved people, above all, and may the Lord bless the work of German workers, for whom I have lived and struggled, and may he give peace to the world.

THE PRESIDENT: I call upon the defendant Alfred Jodl.

H0218 - 0053

DEFENDANT ALFRED JODL: Mr. President, may it please the Tribunal, it is my unalterable belief that when history is being recorded in the days to come it will arrive at an objective and just verdict for the higher military leaders and their assistants. For they and together with them, the entire German Wehrmacht were confronted with an insoluble task; namely, to conduct a war which they had not wanted under a Commander-in-Chief whose confidence they did not possess and when they themselves only trusted within limits; to conduct a war which they had not wanted with methods which frequently were in contradiction with their operational principles and their considered opinions which had been disregarded; to fight with troops and police forces which did not come under their full command and with an intelligence service which, in part, worked for the enemy. And all of this, together with the complete and clear realization that this war would decide the fate and the existence of our beloved country. They did not serve the powers of Hell and they did not serve a criminal but rather, their own people and their own country.

As far as I am concerned, I believe that no man can do more than to try to reach the highest goals possible for him. That, and nothing else, has always been the guiding principle for all my actions, and for that reason, gentlemen of the High Tribunal, no matter what verdict you may arrive at in my case, I shall leave this courtroom with my head held as high as when I entered it for the first time many months ago.

Whoever calls me a traitor to the honorable tradition of the German Army, or whoever asserts that I remained at my post for personal and egotistical reasons, him I shall call a traitor to the truth. In a war such as this, in which hundreds of thousands of women and children were annihilated by a carpet of bombs or through low-flying aviation, and a war in which partisans used every means which they considered expedient, in a war like that, even though they may appear questionable according to international law, harsh measures are no crime in morality or in conscience.

For I believe and avow that your duty toward your own people and your country stands above every other. To carry out this duty to me was honor and the highest law. This is something of which I am proud.

May this duty be supplanted in a happier future through an even higher one, through the duty toward mankind.

H0218 - 0054

THE PRESIDENT: I call upon the defendant Franz von Papen.

DEFENDANT FRANZ VON PAPEN: Your Lordship, may it please the Tribunal. When I returned hom in 1919, I found a people torn by the political rights of the parties, attempting once more in those unfortunate days of my country, I believed as a responsible German that I should not be permitted to remain inactive.

I saw clearly that a re-birth of my country was possible only on the road of peace and intellectual discussion, a discussion which did not center only around political forms but, however, around the solution of the most burning social problems, which were the prerequisite of an inner state of peace.

Facing the onslaught of rationalistic ideologies, it was necessary -- and this was my inner-most conviction -- that Christianity had to be maintained as the starting point of the rebuilding. From the promise of this inner-discussion, the maintenance of European peace would have to depend, too.

The use of my very best years was dedicated to this question. Anyone who knows the facts knows that I did not push myself to the high office and when like uncounted other Germans, in the emergency of 1933, I decided to cooperate in a prominent position then because I considered it to be my duty and because I believed in the possibility to steer national socialism into responsible channels, because I hoped that the maintenance of Christian principles would be the best counter-weight against ideological and political radicalism and would guarantee a peaceful domestic and foreign development.

That goal, however, has not been reached. The power of evil was stronger than the power of good and drove Germany into catastrophe without any hope of redemption, but should that be reason enough to damn those who kept flying high the banner of faith, opposing the flag of disbelief? And does that entitle Justice Jackson to claim that I was nothing but the hypocritical agent of a disbelieving administration? Or who gives Sir Hartley Shawcross the right to say, with scorn, ridicule and contempt, "He preferred 'to reign in Hell than serve in Heaven'?" Gentlemen of the pro-

H0218 - 0055

secution, that is not your verdict -- that is the verdict of another, but I should like to ask: Doesn't the question of the defense of spiritual values remain in the center today for the rebuilding of a world?

I believe that I can face my responsibility with a clear conscience. Love for country and people is the only factor decisive for all my actions. I have spoken without fear of man whenever I had to speak. I served the Fatherland but not the Nazi regime, when I attempted in spite of most bitter disappointments of my domestic hopes, to save peace at least from diplomatic posts.

When I examine my own conscience, I cannot find any guilt, where the prosecution has looked for it or claimed it, but show me a man without guilt and without faults, which seen from the historical point of view, this guild may be found on that tragic 2nd of December 1932, when I did not attempt to persuade the Reich President to maintain the decision he had made the night before -- in spite of the break of the Constitution and in spite of the threat by General von Schleicher that civil war was imminent.

Does the prosecution really contemplate damning all those who with the most honest intentions were ready to cooperate? Does it claim that the German people in 1933, elected Hitler because it wanted war? Does the prosecution really wish to claim that the German people in its overwhelming majority made the gigantic spiritual and material sacrifices, including even sacrificing its youth on the battlefields of this war -- merely for Hitler's utopian and criminal aims?

This High Tribunal faces the tremendously difficult task, without yet having gained sufficient distance in time from the catastrophy, to recognize the causes and results of historical development in their true context.

Only if the High Tribunal recognizes the historic truth and appreciates it, then the historical mission of this Tribunal will be fulfilled -- only then, the German people, in spite of the destruction of its Reich, will find the realization of its errors but also the strength for its future task.

H0218 - 0056

THE PRESIDENT: I call upon the defendant Artur Seyss-Inquart.

DEFENDANT ARTUR SEYSS-INQUART: Mr. President, with my final words, I should like to make my own contribution to the clearing up of the evidence submitted here by explaining the personal motives and considerations responsible for my actions. I have little to say concerning the Austrian question. The Anschluss, separated from the bulk of later events, I regard as a purely domestic German affair. For every Austrian, the Anschluss was a goal in itself and never, even remotely, a preparatory step to a war of aggression. For that the idea of the Anschluss was too important a goal for the German people, it was its noblest aim. To the German people I make the report of the German people, it was its noblest aim. To the German people I make the report of the greatest success of my life. I believed in these words of the Fuehrer when he spoke on the 15th of March 1938, in the Hofburg in Vienna. They were true. The question of the Anschluss became of a peace-endangering nature, far beyond its domestic significance for Germany; and when I have followed the way prescribed by Berlin in March, the reason was the following: The unjustified opposition against the carrying out of orderly elections opened the doors to a radical procedure, practically as well as psychologically. I asked myself whether I had the right to be opposed to these methods, after my way had apparently not been possible, precisely because of the stubbornness of the opposition within and without Austria.

If this procedure, however, seemed justified, I felt it my duty to give my cooperation in the measure, and I could give it in the face of those circumstances. I am convinced that it is due mainly to my cooperation, that this fundamental change, in particular during the night of the 12th of March, took place quietly and without bloodshed, despite the fact that strong hatred was stored within the hearts of the Austrian National Socialist.

In any case, it was indifferent for the unification of the Germans, whether Germany was a monarchy, a democracy, a socialistic republic, or a national socialist Fuehrer State. I believe that the prosecution in the various documents regarding the Anschluss, interprets them in such a manner as to read from them my aggressive intentions towards the annexation. These are documents regarding the Danube sphere of influence, and Czechoslovakia, all dated after the 1st of October 1938, and after the Munich agreement, and regarding the Vistula district after the 1st of September 1939.

H0218 – 0057

I admit these statements; their correctness has been proved in the meantime. As long as the Danube area was incorporated in the Austrian-Hungarian Monarchy its development was prosperous to all, and the German element did not develop an imperial activity but rather promoted culture and economy. Since this area is broken up through the international carrying out of the national principle, it has not settled down in peace. This recollection made me imagine a reshaping of a common Lebensraum, which, as I openly declared, must give such a social order to all, that is, Germans, Czechs, Slovaks, Hungarians, and Rumanians, which would make life worth while to every individual. In this connection I also thought of Czechoslovakia, because of the co-ordination of languages in Moravia which I myself had witnessed.

If, after 1 September 1939, I spoke of the Vistula area as a German area of destiny, I did so out of my striving to take precautions against future dangers which had become obvious by the outbreak of war, and which have today become a terrible reality to every German. These statements have no other evidential strength to prove the intention for a war of aggression than for instance the factual carrying out of the decisions of Teheran concerning the German territories of the East.

This war which I immediately and always recognized as a struggle for life and death of the German people had now become a fact. I could oppose but an unconditional "no" to the demand for an unconditional capitulation. I believe in the words of Rathenau: "Courageous people can be broken but never bent".

In connection with the defeat, I should like to say only the following with reference to my interference with the political administration: Nobody in the Netherlands was forced to a political confession nor limited in his freedom or his property because during the occupation he had held an attitude hostile to the Reich or to National Socialism.

I have already explained that I had serious humane and legal objections to the evacuation of the Jews. Today I realize that there must be a justification for large-scale and permanent evacuations, for such evacuations are today affecting more than 10,000,000 Germans, who had been settled in their homes longer than most of the Jews in Amsterdam, for hundreds of years.

H0218 - 0058

From the middle of 1944, the activity of German courts in the Netherlands was stopped on the basis of a direct Fuehrer order. Saboteurs and terrorists were to be shot by the police if their activity was proved. I heard only of such shootings at this time, never of shootings of hostages in the true sense. The Dutch patriots who lost their lives during the occupation are today rightly considered fallen heroes. Does it not put this heroism on a lower plane to represent them exclusively as the victims of a crime, thus implying that their conduct would not have been so hazardous if the occupying power had conducted itself in a proper manner? They were all in a voluntary and active relationship to the resistance movement. They share the destiny of front-line soldiers; the bullet hits him who is active in a danger zone.

Could I have been the friend of the Dutch, the overwhelming majority of whom were against my people which was struggling for its existence? I only regretted that I had not come to the country as a friend. But I was neither a hangman nor, of my own will, a looter, as the Soviet Prosecution contends. My conscience has been assuaged by the fact that the biological situation of the Dutch people during the period of my full responsibility -- that is, up to the middle of 1944 -- was better than in the First World War, without occupation and blockade. This is testified to by the statistics of marriages and births and by the mortality and illness figures. This is certainly due in part to the effects of a number of measures instituted by me, for example, an extensive health insurance, marriage and baby houses, social graduation of the income tax, etc. Finally, I did not carry out the order which I received to destroy the country, and on my own initiative, I put an end to the occupation when resistance in Holland had become senseless.

I have two more statements regarding Austria.

First of all, if the Germans in Austria wish their community of fate with the Germans in the Reich to become a reality inwardly and outwardly, then no authoritarian obstacles may be opposed to this wish, and no cause given for interference of non-German for in this decision. Otherwise, the whole German people would follow the most radical Anschluss tendency without consideration of how the rest of the political program of such a movement might be constituted.

H0218 - 0059

Secondly, on the question of the effectiveness of provisions of International Law during a war: Germany cannot desire any war in her own true interest. She must even see to it that no weapons are forced into her hands. The other peoples do not want a war, either, but the possibility of one is not absolutely out of the question unless the peoples abhor it. It is therefore wrong to try to minimize a future war enough to reduce the defensive forces in the nations by awakening the impression that a future world war could in some way be kept within the framework of the Hague Conventions on Land Warfare, or other International Law agreements.

And now I have, no doubt, to give you an explanation regarding my relation to Adolf Hitler. Did he prove himself inadequate to fulfill a task decisive for the German people, for Europe itself, or was he the man who struggled, although in vain, and to unimaginable excesses, against the course of an inexorable fate? To me he remains the man who made Greater Germany a fact in German history. I served him and remained loyal to him. And then? I cannot today cry "Crucify him", since yesterday I cried "Hosanna".

H0218-0060

My next thought is that of gratitude to my Defense Counsel for the high effort he has made in defending me.

My last word is the principle on which I have always acted and to which I will hold unto my last breath! I believe in Germany.

THE PRESIDENT: I call on the defendant Albert Speer.

DEFENDANT SPEER: Mr. President, may it please theTribunal: Hitler and the collapse of his system have brought a time of tremendous suffering upon the German people. The useless continuation of this war and the unnecessary destruction, in addition, make it difficult the work of reconstruction. Privation and misery have come to the German people. After this trial, the German people will condemn Hitler as the proven originator of its misery, and despise him.

Yet the world will learn from these happenings not only to hate dictatorship as the form of a state, but to fear it.

Hitler's dictatorship differed in one principle from all its predecessors in history. His was the first dictatorship of an industrial state in this time of modern technical development, a dictatorship which, for the domination of its own nation, availed itself of all technical means in a perfect manner.

Many of the apparently improbable phenomena of this trial would not be possible without these technical developments. Through the means of these developments like the radio and the loudspeaker, 80,000,000 people were deprived of this power to think independently. Through these means they were subjected to the will of one man. The telephone, the teleprinter and radio made it possible that, for instance, orders from the highest sources could be transmitted directly to the lowest ranking units, where, because of their great authority they were carried out without criticism. Of it was achieved that numerous departments and agencies came into direct contact with the top-ranking leaders from whence they received their sinister orders directly. Or it happened that there was a far-reaching supervision of the citizen of the state and a high degree of secrecy of criminal events.

H0218 - 0061

Perhaps to the outsider this machinery of the state may appear like the cables of a telephone exchange - apparently without system. But just like this, it could be served and dominated by one single will.

Earlier dictators during their work of leadership needed collaborators, with the highest qualities even at the lowest level, men who could think and act independently.

The totalitarian system in a time of modern technical development does not depend on them; even the instruments of communication alone place it in a position where the work of the lower ranking leaders can be mechanized. As a result there arises the new type of the recipient of orders who does not criticize.

We had only reached the beginning of the development.

The nightmare of many a man that one day technical developments might domineer entire peoples had merely been realized in Hitler's totalitarian system.

Today the danger that technical developments may terrorize them overshadows every country in the world. In the modern dictatorship, this to me, seems inevitable.

Thus! The more technical the world becomes, the more the counterbalancing influence of the advancement of individual freedom and self-possessedness of man is essential.

Hitler not only used technical developments to dominate his own people -- he had nearly succeeded, by means of his technical lead, in subjugating the whole of Europe. It was merely due to some principal shortcomings of organization, such as are typical for a dictatorship because of the absence of criticism, that before 1942 he did not have twice as many tanks, aircraft, and submarines.

But, if a modern industrial state uses all its intelligence, its science, and technical developments as well as its entire production for a number of years in order to gain a lead in the sphere of armament, then it can also, by the use of its manpower and because of the established lead in the technical sphere,

H0218 - 0062

Completely overtake and conquer the world, particularly if other nations during that same period employ their technical abilities in the service of cultural progressof humanity.

The more technical the world becomes, the greater will be this danger and the more serious will be an established lead in the sphere of the modern means of warfare.

This war has ended on the note of radio-controlled rockets, aircarft developing the speed of sound, novel submarines and torpedoes, which could find their own target, of atome bombs, and with a prospect of a horrible type of chemical warfare.

By necessity the next war will be in the shadow of these new destructive inventions of human minds.

In five to ten years this technique of warfare will offer the possibility of firing rockets from continent to continent with uncanny precision. Through the smashing of the aton it will be in a position to destroy, in the center of New York, perhaps 1,000,000 people in a matter of seconds with a rocket serviced, perhaps, by ten men. Invisible, without previous warning, faster than sound, by day and by night. The scientists of various countries are able to spread amongst human beings and animals various diseases and destroy the harvests. Chemistry has at its disposal terrible weapons with which it can inflict unthinkable sufferings upon helpless human beings.

Will there once again be a nation to use the technical of this war for the preparation of a new war, while the remaining world exploits the technical of this war for the benefit of humanity, thus attempting to create minute compensation for its horrors?

As a former minister of the highly developed armament system, it must be my last duty to state this:

A new large-scale war will end with the destruction of human culture and civilization. Nothing will prevent the unleashed technique and science from completing tis work of destruction of humanity, which it had begun in so dreadful a way in this, the last war.

That is the reason why this trial must be a contribution for the prevention of such distorted wars in the future and for the establishment

H0218 - 0063

of principles for human cohabitation. What is the significance of my own fate after everything that has happened, in the light of this high goal?

During the past centuries, the German people has contributed much towards the creation of human culture. Often it has made this its contribution in times when it was just as powerless and helpless as it is today. Valuable human beings cannot be driven to despair. They are bound to create new, lasting values and, under the tremendous pressure brought to bear upon everyone today, these new works will be of particular significance.

But if the German people in the inevitable times of its poverty and powerlessness -- but simultaneously also the time of its reconstruction creates new works of culture, then it has, in that way, made its most valuable contribution to the happenings in this world which it could possibly be in a position to make.

It is not the battles of war alone which shape the history of humanity; they are, in a higher sense, the cultural contributions which one day will become the common property of all humanity. But a nation believing in its future will never perish. May God protect Germany and the culture of the Occident.

END

H0218-0064

THE PRESIDENT: I call upon defendant Constantin von Neurath.

DEFENDANT VON NEURATH: Firm in the conviction that truth and justice will prevail before this High Tribunal over all hatred, slander and misrepresentation, I believe that I should add only this one thing to the words of my defense counsel: My life was consecrated to truth and honor, to the maintenance of peace and the attainment of understanding among peoples, to humanity and justice. I stand with a clear conscience not only before myself but before history and the German people.

Nevertheless, if the verdict of this Tribunal should be guilty, I shall be able to bear even this and shall take it upon myself as a last sacrifice on behalf of my people, whom it was the meaning and substance of my entire being to serve.

THE PRESIDENT: I call upon the defendant Hans Fritzsche.

DEFENDANT FRITSCHE: May it please the Tribunal: The Chief Prosecutors in their final speeches have repeated several of the accusations against me although in my opinion they have been clearly refuted by the taking of evidence.

The main points in question I have summarized and I do not propose to read them. If it is not in contradiction to the rules of this Tribunal and if it would please the Tribunal, then I should make the request that this summary, which amounts to six pages, should be taken judicial notice of by the Tribunal. They are available for translation.

Yet I should not like to waste this last chance for a last word at this Trial by quoting the details, all of which can be found in the records and documents. I shall have to deal with the entire complex of the crimes since the Prosecution alleged that I had been connected with these crimes through a conspiracy.

With reference to that accusation, I can only say that even if I had made propaganda during my radio speeches which the Prosecution now accuses me of, even if I had represented the teaching of the "Master Race", even if I had preached hatred against other peoples, even if I had incited to aggressive wars, acts of force, murder, and inhuman actions, even if I had done all that, then the German nation would have turned away from me and would have turned down the system for which I spoke.

H0218 – 0065

Even if I had done it in a hidden form, then my listeners would have noticed it and adopted a negative attitude.

But the misfortune is contained in the fact that I did not represent all these trends of thought according to which Hitler, together with a small circle of his accomplices, was acting secretly, this circle which, according to the testimony of the witnesses Hoess, Reinicke and Morgen, amongst others, is now slowly emerging from the mist in which it had been hidden until now.

I believed in Hitler's assurances of an honest will for peace and through that I strengthened the trust of the German peopl in them.

I believed in the official German denials of all foreign reports of German atrocities. And with my beliefs I strengthened the trust of the German people in the cleanliness of the leaders of the German state.

That is my guilt. No more, no less.

The prosecutors have expressed the horror of their peoples caused by the atrocities which occurred. They did not expect that much good would come from Hitler, and they are shattered by the extent of what really happened. But then, you must try to understand the disgust of those who expected much good to come from Hitler and who now have to see how their trust, their good will, and their idealism had been misused. I am in just that position of the man who has been deceived, together with many, many other Germans, of whom the Prosecution say that they could have recognized all that happened from the smoke rising from the chimneys of the concentration camps, or the mere spectacle of the detainees.

I feel that it is a great misfortune that the Prosecution have pictured these matters in such a way as if all of Germany had been a tremendous hideout of crime. It is a misfortune that the Prosecution are generalizing the extent of the crimes, which are in themselves horrible enough. But opposed to this I must say that anyone who once during the years of peaceful reconstruction

H0218 – 0066

had believed in Hitler, he only needed faith, courage, and the will to make sacrifices in order to continue believing in him, until through the discovery of carefully hidden facts he could recognize the devil in him. Only thus can the struggle be explained which Germany carried on for 18 months. Such a sacrifice does not grow from crime but from idealism and good faith and from clear and apparently just organizations.

I regret the generalization which the Prosecution has applied to the crimes, because they are bound to enlarge the mountain of hatred in the shadow of which the world lies today. Yet the time has come to interrupt the circle of that hate which has dominated the world until now. It is high time that a halt should be called to the harvest and the sowing of a new seed of hatred and that the seed must be changed. After all, the

H0218-0067

murder of five millions is a terrible warning, and the world has at its disposal the technical means for its self-destruction. For that reason, the Prosecution should not replace hatred by yet more hatred when they present their case.

It is my right to say this before my conscience because I have not preached hatred, as the Prosecution will have it, nor have I closed my ears to pity. To the contrary, again and again, in the middle of the hardest struggle, I have raised the voice of humanity. The vast majority of my speeches prove it, which, after all, can be considered at any time when one considers the allegations of my adversaries. Such speeches, which even now have not been submitted to the Tribunal, can not simply have disappeared from the surface of this earth.

Admittedly, it is perfectly possible, alas, even understandable, that the hurricane of disgust which swept the world because of the atrocities which were committed might sweep away the borders of individual responsibility. If that happens, if collective responsibility is to be attached even to those who, in their good faith, were misused, then, Your Honors, you must hold me responsible. As my defense counsel has emphasized, I do not wish to hide behind the millions of those men and women acting in good faith who were misused. I will place myself before them, before those for whom my good faith had been an additional guarantee for the cleanliness of the system. And yet, this responsibility of mine is only valid for those who acted in good faith, not for the originators, collaborators, and those who knew of these atrocities beginning with murder and ending with the choice of living human beings for anatomical collections.

Between these criminals and myself there is only one tie; they merely misused me in a different manner than they misused those who became their physical victims.

It may be difficult to separate German crime from German idealism. It is not impossible, if you draw that dividing line, then you will save much suffering for Germany and for the whole world.

H0218-0068

THE PRESIDENT: The Tribunal will carefully consider the statements which the defendants have made.

The Tribunal is now about to adjourn for the consideration of its judgment. Before doing so, the Tribunal wishes to express its appreciation of the way in which counsel for the prosecution and counsel for the defense have performed their duties.

The Tribunal has been informed that the defendants' counsel have been receiving letters from Germans improperly criticizing their conduct as counsel in these proceedings. The Tribunal will protect counsel in so far as it is necessary so long as the Tribunal is in session, and it has no doubt that the Control Council will protect them thereafter against such attacks. In the opinion of the Tribunal, defence counsel have performed an important public duty in accordance with the high traditions of the legal profession, and the Tribunal thanks them for their assistance.

The Tribunal will now adjourn until September 23rd, in order to consider its judgment. On that date the judgment will be announced. If any postponement should be necessary due notice will be given.

(The Tribunal adjourned until the 23rd of September, 1946 at 1000 hours.)